

Dana Jonathon Nitz, Esq. (SBN 0050)
Christina V. Miller, Esq. (SBN 12448)
WRIGHT, FINLAY & ZAK, LLP
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
Tel: 702-475-7964; Fax: 702-946-1345
dnitz@wrightlegal.net; cmiller@wrightlegal.net
Attorneys for Defendant/Counterclaimant Federal National Mortgage Association

Leslie Bryan Hart, Esq. (SBN 4932)
John D. Tennert, Esq. (SBN 11728)
FENNEMORE CRAIG, P.C.
300 E. Second St., Suite 1510
Reno, Nevada 89501
Tel: 775-788-2228 Fax: 775-788-2229
lhart@fclaw.com; jtennert@fclaw.com

(Admitted *Pro Hac Vice*)
Asim Varma, Esq.
Howard N. Cayne, Esq.
Michael A.F. Johnson, Esq.
ARNOLD & PORTER LLP
555 12th Street NW, Washington, DC 20004
Tel: 202-942-5000 Fax: 202-942-5999
Asim.Varma@aporter.com; Howard.Cayne@aporter.com; Michael.Johnson@aporter.com

Attorneys for Intervenor/Counterclaimant Federal Housing Finance Agency

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUMMIT CANYON RESOURCES, LLC,

CASE NO.: 2:15-cv-00656-RFB-VCF

Plaintiff,

vs.

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE ON FEDERAL NATIONAL
MORTGAGE ASSOCIATION AND
FEDERAL HOUSING FINANCE
AGENCY'S MOTION FOR SUMMARY
JUDGMENT**

GEORGE A. TANKSLEY; LASHAWN
THOMPSON-TANKSLEY; FEDERAL
NATIONAL MORTGAGE ASSOCIATION;
FIRST AMERICAN TRUSTEE SERVICING
SOLUTIONS, LLC; CITIMORTGAGE, INC.;
DOES I-V, inclusive; and ROE
CORPORATIONS I-V, inclusive,

Defendants,

and

FEDERAL HOUSING FINANCE AGENCY,
as Conservator of the Federal National
Mortgage Association,

Intervenor.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a government sponsored
entity; and FEDERAL HOUSING FINANCE
AGENCY, as Conservator of the Federal
National Mortgage Association,

Counterclaimants,

vs.

SUMMIT CANYON RESOURCES, LLC, a
Nevada limited liability company;
WATERFALL HOMEOWNERS
ASSOCIATION, a Nevada non-profit
corporation,

Counter-Defendants.

CITIMORTGAGE, INC.,

Third-Party Plaintiff,

vs.

WATERFALL HOMEOWNER
ASSOCIATION; and ALESSI & KOENIG,
LLC,

Third-Party Defendants.

Defendant/Counterclaimant Federal National Mortgage Association (“Fannie Mae”);
Intervenor/Counterclaimant Federal Housing Finance Agency (“FHFA”); Plaintiff/Counter-
Defendant Summit Canyon Resources, LLC (“Summit Canyon”); and Defendant/Counter-
Defendant Waterfall Homeowner Association (“HOA”), by and through their undersigned
counsel, hereby agree and stipulate as follows:

WHEREAS, on October 12, 2015, Summit Canyon filed a Motion for Leave to File an
Amended Complaint. (ECF No. 54.) The proposed Amended Complaint included claims in the
alternative against the HOA and Alessi & Koenig, LLC.

WHEREAS, on June 30, 2016, Fannie Mae and FHFA filed a Motion for Summary
Judgment (“MSJ”) requesting that the Court grant judgment in Fannie Mae’s favor on Summit
Canyon’s declaratory relief and quiet title claims; and declare that:

- 12 U.S.C. § 4617(j)(3) preempts any Nevada law that otherwise would permit a
foreclosure of an HOA lien to extinguish a property interest of Fannie Mae while it is
under FHFA’s conservatorship;

- the HOA Sale did not extinguish Fannie Mae’s interest in the Property and thus the Deed of Trust continues to encumber the Property; and
- Fannie Mae’s request for quiet title is granted insofar as any interest of the Plaintiff in the Property is subject to Fannie Mae’s first secured interest in the Property.

(ECF No. 73.)

WHEREAS, Summit Canyon filed its Response to the MSJ on July 18, 2016 (ECF No. 79), the HOA filed a Joinder to Summit Canyon's Response on July 19, 2016 (ECF No. 80), and Fannie Mae and FHFA filed their Reply to Summit Canyon's Response to MSJ on August 4, 2016 (ECF No. 90).

WHEREAS, on September 21, 2016, this Court granted Summit Canyon's Motion for Leave to File an Amended Complaint. (ECF No. 93.) On September 22, 2016, Summit Canyon filed its Amended Complaint. (ECF No. 94.)

WHEREAS, the Amended Complaint did not alter any allegations or claims as between Summit Canyon and Fannie Mae and FHFA that are addressed in the MSJ.

IT IS HEREBY AGREED AND STIPULATED that the MSJ is fully briefed. Because the Amended Complaint did not alter any allegations or claims as between Summit Canyon and Fannie Mae and FHFA, the Parties agree that the MSJ briefing shall be deemed to apply to the Amended Complaint as the claims relate to Summit Canyon and Fannie Mae and FHFA and the MSJ is therefore ripe as between those parties for this Court's consideration. The remaining claims brought in the Amended Complaint as between Summit Canyon and the HOA and Alessi & Koenig are not included in the pending Motion for Summary Judgment and shall be addressed in a separate dispositive motion, if at all.

Signature Page to Follow

DATED this 21st day of October, 2016.

WRIGHT, FINLAY & ZAK, LLP

By: /s/ Dana Jonathon Nitz
Dana Jonathon Nitz, Esq. (SBN 0050)
Christina V. Miller, Esq. (SBN 12448)
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
Tel: 702-475-7964 Fax 702-946-1345
dnitz@wrightlegal.net;
cmiller@wrightlegal.net

*Attorneys for Defendant/Counterclaimant
Federal National Mortgage Association*

FENNEMORE CRAIG, P.C.

By: /s/ Leslie Bryan Hart
Leslie Bryan Hart, Esq. (SBN 4932)
John D. Tennert, Esq. (SBN 11728)
300 E. Second St., Suite 1510
Reno, Nevada 89501
Tel: 775-788-2228 Fax: 775-788-2229
lhart@fclaw.com; jtennert@fclaw.com
and

ARNOLD & PORTER LLP

(Admitted Pro Hac Vice)
Asim Varma, Esq.
Howard N. Cayne, Esq.
Michael A.F. Johnson, Esq.

*Attorneys for Intervenor/Counterclaimant
Federal Housing Financing Agency*

ALDRICH LAW FIRM, LTD

By: /s/ Stephanie Cooper
John P. Aldrich, Esq. (SBN 6877)
Stephanie Cooper, Esq. (SBN 5919)
1601 S. Rainbow Blvd, Ste 160
Las Vegas, NV 89146
Tel: 702-853-5490 Fax: 702-227-1975
jaldrich@johnaldrichlawfirm.com
stephanie@johnaldrichlawfirm.com

*Attorneys for Plaintiff/Counter-Defendant
Summit Canyon Resources, LLC*

BOYAK ORME & TAYLOR

By: /s/ Kelly Blatnik
Edward D Bovack, Esq. (SBN 5229)
Kelley Blatnik, Esq. (SBN 12768)
401 N. Buffalo Drive, Suite 202
Las Vegas, NV 89145
Tel: 702-562-3415 Fax: 702-562-3570
ted@boyacklaw.com
kelley@boyacklaw.com

*Attorneys for Defendants/Counter-Defendants
Waterfall Homeowner Association*

ORDER

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

DATED: 10/27/16

12191210.1/038236.0001